

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WEI-PING ZENG,

Plaintiff,

v.

Case No.: 3:17-cv-03008

MARSHALL UNIVERSITY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER SEALING EXHIBITS

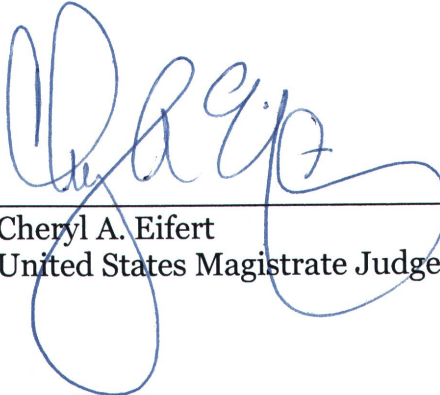
Pending before the Court is Plaintiff's Motion to Seal Documents, (ECF No. 353). The exhibits referenced by Plaintiff contain protected health information and are entitled to a higher level of confidentiality than most documents. Accordingly, for good cause shown, the Court **GRANTS** the motion and **ORDERS** the Clerk of Court to seal the medical and dental records filed with the Clerk as confidential exhibits in Plaintiff's Motion for Summary Judgment and Memorandum in Support. While these records may later require unsealing, at this stage of the proceedings, their confidentiality should be protected.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents

and for rejecting alternatives. *Id.* at 302. In this case, the exhibits shall be sealed and shall be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the exhibits, but in view of the highly confidential and private nature of the information, and the format on which the information is provided, no such alternatives are feasible at this time. Moreover, the public's right to be informed is outweighed by the right of an individual to keep his medical information protected, unless disclosure is necessary to explain the findings and rulings of the Court. At this time, the need for disclosure of all or part of the records is unknown. Accordingly, the Court finds that sealing the exhibits at this time does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to all counsel of record and to any unrepresented party.

ENTERED: January 21, 2020



Cheryl A. Eifert
United States Magistrate Judge